



## COMMONWEALTH of VIRGINIA

M. Norman Oliver, MD, MA  
State Health Commissioner

Department of Health  
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April 9, 2021

### DECISION MEMORANDUM

**TO:** M. Norman Oliver, MD, MA DS  
MNO  
State Health Commissioner

**THROUGH:** Parham Jaber, MD, MPH DS  
PJ  
Chief Deputy Commissioner, Public Health and Preparedness

**THROUGH:** Julie Henderson, Director DS  
JH  
Office of Environmental Health Services

**FROM:** E. Danielle Schools, Director DS  
ES  
Division of Shellfish Safety and Waterborne Hazards

**SUBJECT:** Policy for Virginia's Public Health Shellfish Program, Policy Memo #S- 352

### **PURPOSE**

The purpose of this protocol is to establish the Department of Health's official policy and set standards for the public health aspects of the Commonwealth's molluscan shellfish program.

### **BACKGROUND**

The legal basis for the shellfish program in Virginia is primarily contained in §§28.2-800 through §§28.2-826 of the *Code of Virginia* ("Code"). On May 1, 1969, the Commissioner of Marine Resources and the State Health Commissioner signed the "Agreement of Cooperative Procedures for Administering and Regulating the Sanitary Control of the Shellfish Industry by the Virginia State Department of Health and the Marine Resources Commission." This agreement delineates the various programs carried out by each State agency concerning Virginia's molluscan shellfish program. The program provides regulatory oversight for molluscan shellfish (oysters and clams) that are raw and subjected to post-harvest processing.

### **JUSTIFICATION**

In order for shellfish dealers to ship their products on interstate markets, state shellfish programs must be approved by the U.S. Food and Drug Administration to meet the minimum requirements

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of the National Shellfish Sanitation Program (NSSP). These minimum requirements are contained in the [NSSP Guide for the Control of Molluscan Shellfish](#) (“Guide”), 2019 Revision. The Guide includes requirements that state shellfish programs must follow related to growing area classification and the permitting and inspection of shellfish dealers. The Guide also provides prescriptive requirements and sets standards for the shellfish industry.

**RECOMMENDATION**

Pursuant to §§28.2-800 through §§28.2-826 of the Code, Policy Memo #S- 352 establishes that the Virginia Department of Health shall adopt the requirements of the Guide, 2019 Revision, as the basic standards for carrying out its portion of Virginia’s shellfish program. It is recommended that the Commissioner sign this Decision Memo, in order to adopt the Guide, 2019 Revision, as the standard for the Commonwealth’s molluscan shellfish program.

**APPROVAL**

Recommend       Recommend with Modification       Deny

DocuSigned by:  
Parham Jaber, MD, MPH      4/12/2021 | 8:00:06 AM EDT  
BBA0224112D5470  
Parham Jaber, MD, MPH      Date

Approve       Approve with Modification       Deny

DocuSigned by:  
M. Norman Oliver, MD      4/12/2021 | 4:38:04 PM EDT  
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M. Norman Oliver, MD, MA      Date